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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ANA M. CRISAN,

12 Defendant.  
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} NO. 2:12-CR-00115-LRS-1

} **ORDER DENYING MOTION  
FOR EARLY TERMINATION  
OF SUPERVISED RELEASE**  
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}

14 **BEFORE THE COURT** is Defendant's Motion For Early Termination Of  
15 Supervised Release (ECF No. 41). This motion is heard without oral argument.

16 On October 19, 2012, Defendant was sentenced to a total of 48 months  
17 imprisonment on eleven counts of bank fraud, 18 U.S.C. § 1344, one count of  
18 possession of device-making equipment, 18 U.S.C. § 1029(a)(4), and one count of  
19 aggravated identity theft, 18 U.S.C. § 1028A(a). Defendant was ordered to pay  
20 restitution in the sum of \$125,241.92. Defendant was sentenced to five years of  
21 supervised release. Defendant's term of supervised release began on June 12,  
22 2015, and is scheduled to expire in June 2020.

23 The court may, after consideration of the factors set forth in 18 U.S.C. §  
24 3553(a), terminate a term of supervised release and discharge the defendant  
25 released at any time after the expiration of one year of supervised release "if it is  
26 satisfied such action is warranted by the conduct of the defendant released and the  
27 interest of justice." 18 U.S.C. § 3583(e)(1).  
28

**ORDER DENYING MOTION FOR EARLY  
TERMINATION OF SUPERVISED RELEASE- 1**

1 Defendant was convicted of serious fraud offenses involving a fair amount  
2 of sophistication. Each of the bank fraud convictions carried a thirty year statutory  
3 maximum sentence, the possession of device-making equipment carried a fifteen  
4 year statutory maximum sentence, and the identity theft conviction carried a  
5 mandatory consecutive 24 months term of imprisonment. Defendant installed  
6 “pin-hole” cameras on Automated Teller Machines (ATMs) in order to record the  
7 Personal Identification Numbers (PINs) of customers using the ATMs and she also  
8 installed “skimming devices” on the ATMs in order to obtain account information  
9 of customers using the ATMs. Defendant fraudulently obtained the financial  
10 information of approximately 237 persons in order to steal or attempt to steal  
11 money from their financial accounts and caused a total loss of approximately  
12 \$125,000 to JP Morgan Chase Bank and First Tech Credit Union.

13 Based on a Criminal History Category of II, Defendant’s guidelines range  
14 was calculated at 30 to 37 months. Notwithstanding a government  
15 recommendation to impose no less than a 54 months sentence (30 months at the  
16 low-end of the range on each of the bank fraud counts and the possession count to  
17 run concurrently, plus the mandatory consecutive term of 24 months on the  
18 identity theft count), this court granted a variance and imposed 48 months of  
19 imprisonment (24 months on each of the bank fraud counts and the possession  
20 count to run concurrently, plus the mandatory consecutive term of 24 months on  
21 the identity theft count).

22 In light of the foregoing, it should be apparent the five year term of  
23 supervised release imposed took on added significance to reflect the seriousness of  
24 the offenses of which Defendant was convicted, to promote respect for the law, to  
25 provide just punishment for the offenses, to afford adequate deterrence to criminal  
26 conduct, and to protect the public from further crimes of the Defendant. 18 U.S.C.  
27 § 3553(a)(2)(A), (B) and (C).

28 **ORDER DENYING MOTION FOR EARLY  
TERMINATION OF SUPERVISED RELEASE- 2**

1 Defendant's request to terminate her supervised release is opposed not only  
2 by counsel for the Government, but also by her supervising probation officer.  
3 Defendant still owes nearly \$124,000 on her restitution obligation and in October  
4 2017, she was the subject of a "no action" petition pursuant to which she was  
5 reprimanded by her probation officer for opening a credit card account in violation  
6 of one of the conditions of her supervised release. This violation is significant  
7 considering the nature of the crimes of which Defendant was convicted.

8 The "interest of justice" does not warrant early termination of supervised  
9 release. Continued supervised release for another year and a half is not unduly  
10 burdensome to Defendant. Any burden is outweighed by the need to keep the  
11 Defendant on supervision to better insure she continues to make efforts to pay her  
12 restitution obligation and avoids the type of conduct which led to her conviction.  
13 Requiring Defendant to serve the full term of supervised release is not intended to  
14 be punitive. It is intended to rehabilitate the Defendant as much as possible and to  
15 compensate the victims of her crimes.

16 Defendant's Motion For Early Termination Of Supervised Release (ECF  
17 No. 41) is **DENIED**.

18 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
19 this order and to provide copies to counsel of record and to the U.S. Probation Office.

20 **DATED** this 19th day of December, 2018.

21  
22 *s/Lonny R. Suko*

23 LONNY R. SUKO  
24 Senior United States District Judge  
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**ORDER DENYING MOTION FOR EARLY  
TERMINATION OF SUPERVISED RELEASE- 3**